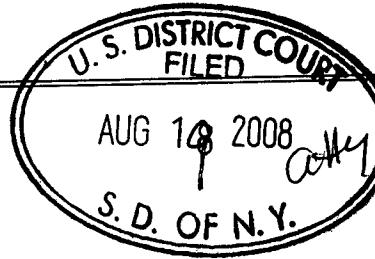


SDNY (Rev. 10/2006) Pro Hac Vice Motion to Admit Counsel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Milton Ciplet, et al., Plaintiff,

8 cv 4580 (rmb)

- against -

JP Morgan Chase & Co.; Defendant.
J.P. Morgan Securities,
Inc..

MOTION TO ADMIT COUNSEL

PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the
Southern and Eastern Districts of New York, I, Jonathan K. Levine a member in good standing of
the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Daniel C. Girard

Firm Name: Girard Gibbs LLP

Address: 601 California Street, Suite 1400

City/State/Zip: San Francisco, CA 94108

Phone Number: (415) 981-4800

Fax Number: (415) 981-4846

Daniel C. Girard
California

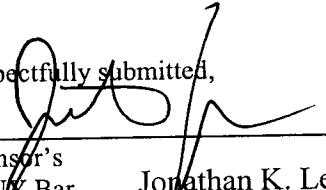
is a member in good standing of the Bar of the States of

There are no pending disciplinary proceeding against Daniel C. Girard
in any State or Federal court.

Dated: 8/18/2008

City, State: San Francisco, CA

Respectfully submitted,


Sponsor's
SDNY Bar Jonathan K. Levine (JL-8390)
Firm Name: Girard Gibbs LLP
Address: 601 California Street, Suite 1400
City/State/Zip: San Francisco, California 94108
Phone Number: (415) 981-4800
Fax Number: (415) 981-4846

AUG 20 2008

JK 925-660947

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Milton Ciplet, Individually and on behalf of all others similarly situated,)
Plaintiff,)
-against -)
JP Morgan Chase & Co. and J.P. Morgan Securities, Inc.,)
Defendants.)

Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff,)
Plaintiffs)
-against -)
JPMorgan Chase Bank & Co., J.P. Morgan Securities, Inc., and Chase Investment Services Corp.,)
Defendants.)

) Case No. 08-cv-4580 (RMB)
Case No. 08-cv-5026 (WHP)

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Milton Ciplet, Individually and on behalf of all)
others similarly situated,)
)
) Case No. 08-cv-4580 (RMB)

Plaintiff,)
)
)
-against -)
)

JP Morgan Chase & Co. and J.P. Morgan)
Securities, Inc.,)
)

Defendants.)
)
)

Mark Scharff, Pine Sash Door & Lumber Co.,)
Inc., Mark Scharff & Associates LLC, 2170 Mill) Case No. 08-cv-5026 (WHP)
Avenue LLC, 6202-6217 Realty LLC, Mark)
Scharff ITF Michael Scharff, Mark Scharff ITF)
Daniel Scharff and Mark Scharff ITF Ariel)
Scharff,)

Plaintiffs)
)
)
-against -)
)

JPMorgan Chase Bank & Co., J.P. Morgan)
Securities, Inc., and Chase Investment Services)
Corp.,)

Defendants.)
)
)

AFFIDAVIT OF JONATHAN K. LEVINE IN SUPPORT OF PLAINTIFFS'
PRO HAC VICE ADMISSION OF DANIEL C. GIRARD

I, Jonathan K. Levine, being duly sworn, deposes and says that the following facts are true and correct to the best of my personal knowledge:

1. I am an attorney duly admitted to practice law before this Court. My admission to this Court was on March 14, 1989.
2. I am not under suspension or disbarment by any court.
3. I am a partner at the firm of Girard Gibbs LLP, and my office is located at 601 California Street, 14th Floor, San Francisco, California 94108. My telephone number is (415) 981-4800.
4. I make this affidavit in support of Plaintiffs' Motion for the admission of Daniel C. Girard *pro hac vice*.
5. I have known Daniel C. Girard for 8 years, and believe he will uphold the integrity of this Court, and will comply with all applicable New York Local Rules of Civil Procedure.

I declare under penalty of perjury and the law of the United States of America that the foregoing is true and correct. Executed this 18th day of August, 2008 at San Francisco, California.

Jonathan K. Levine

On August 18, 2008, before me, Sue Querubin, Notary Public, personally appeared Jonathan K. Levine, proved by satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.



WITNESS my hand and office seal.

SUE QUERUBIN

A handwritten signature in black ink, appearing to read "SUE QUERUBIN", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized "S" at the beginning.

DECLARATION OF DANIEL C. GIRARD IN SUPPORT OF PLAINTIFFS'
PRO HAC VICE MOTION

I, Daniel C. Girard, pursuant to 28 U.S.C. §1746, hereby declare under the penalty of perjury as follows:

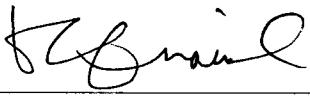
1. I am a partner at the firm of Girard Gibbs LLP, and my office is located at 601 California Street, 14th Floor, San Francisco, California 94108. My telephone number is (415) 981-4800.

2. I submit this Declaration in support of the motion to admit counsel *pro hac vice* in the above-captioned matter. As demonstrated by the Certificate of Good Standing (**Exhibit A**), I am a member in good standing of the Bar of the State of California.

3. There are no pending disciplinary proceedings against me in any State or Federal Court.

4. Wherefore, I respectfully request that I be permitted to appear as counsel and advocate *pro hac vice* in the above-captioned matter.

I declare under penalty of perjury and the law of the United States of America that the foregoing is true and correct. Executed this 18th day of August, 2008 at San Francisco, California.



Daniel C. Girard

EXHIBIT A



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

August 15, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, DANIEL CHARLES GIRARD, #114826 was admitted to the practice of law in this state by the Supreme Court of California on December 3, 1984; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA



Kath Lambert
Custodian of Membership Records

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Milton Ciplet, et al.

Plaintiff,

8 cv 4580 (rmb)

- against -

JP Morgan Chase & Co.; J.P.
 Morgan Securities, Inc.,

Defendant.

**ORDER FOR ADMISSION
 PRO HAC VICE
 ON WRITTEN MOTION**

Upon the motion of Jonathan K. Levine attorney for Lead Plaintiff Movants (see attached) and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: Daniel C. Girard

Firm Name: Girard Gibbs LLP

Address: 601 California Street, Suite 1400

City/State/Zip: San Francisco, CA 94108

Telephone/Fax: (415) 981-4800

Email Address: dcg@girardgibbs.com

is admitted to practice pro hac vice as counsel for Lead Plaintiff Movants (see attached) in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:
 City, State: New York, NY

United States District/Magistrate Judge

Lead Plaintiff Movants:

Thomas C. Assif
Kismet TMF Holdings, LLC
SKS Capital Partners, LLC



UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Milton Ciplet, Individually and on behalf of all others similarly situated,)
Plaintiff,)
- against -)
JP Morgan Chase & Co. and J.P. Morgan Securities, Inc.,)
Defendants.)

Case No. 08-cv-4580 (RMB)

Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff,)

Case No. 08-cv-5026 (WHP)

Plaintiffs)
- against -)
JPMorgan Chase Bank & Co., J.P. Morgan Securities, Inc., and Chase Investment Services Corp.,)
Defendants.)

PROOF OF SERVICE

Original

Bring to
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or
Cashiers

I, Anne von Goetz, hereby declare as follows:

I am employed by Girard Gibbs, A Limited Liability Partnership, 601 California Street, 14th Floor, San Francisco, California 94108. I am over the age of eighteen years and am not a party to this action. On August 18, 2008, I served the following documents:

- 1. Motion to Admit Counsel Pro Hac Vice;**
- 2. Affidavit of Jonathan K. Levine in Support of Plaintiffs' Pro Hac Vice Admission of Daniel C. Girard;**
- 3. Declaration of Daniel C. Girard in Support of Plaintiffs' Pro Hac Vice Motion;**
- 4. Order for Admission Pro Hac Vice on Written Motion; and**
- 5. Proof of Service**

on:

Attached Service List

XX by placing the document(s) listed above for collection and mailing them following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at San Francisco, California addressed as set forth above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, executed August 18, 2008, at San Francisco, California.



Anne von Goetz
Anne von Goetz

Service List

Marc Evan Scollar
Scollar & Scollar
1031 Victory Blvd.
Staten Island, NY 10301

Curtis Victor Trinko
Law Offices of Curtis V. Trinko, LLP
16 West 46th Street, Seventh Floor
New York, NY 10036

Attorney for Mark Scharff and Milton Ciplet

Christine McAteer Ford
Thomas C. Rice
Jonathan K. Youngwood
Simpson Thacher & Bartlett LLP (NY)
425 Lexington Avenue
New York, NY 10017

Attorney for JPMorgan Chase Bank & Co., J.P. Morgan Securities Inc.,

James Henry Glavin
Jules Brody
Stull Stull & Brody
6 East 45th Street, 5th Floor
New York, NY 10017

Attorney for Movant Robert H. Shenker, and David Nierenberg

Wai Kin Chan
Law Offices of Curtis V. Trinko, LLP
16 West 46th Street, Seventh Floor
New York, NY 10036

Attorney for Milton Ciplet